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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,277	09/03/2004	Christopher Brett Ward	4046-022	5676
	7590 12/01/200 CKMAN & REISMA	EXAMINER		
270 MADISON		PHASGE, ARUN S		
8TH FLOOR NEW YORK, N	NY 10016-0601		ART UNIT	PAPER NUMBER
			1795	
		MAIL DATE	DELIVERY MODE	
			12/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary    10/501_277	Office Action Summary		Appli	olication No. Applicant(s)					
Arun S. Phasage   1795    - The MAILING DATE of this communication appears on the cover sheet with the correspondence address −  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Faltenesies of the many be enabled used the provision of 30 CFR 1-130; into event, however, may a recyb be timely filed in the provision of 30 CFR 1-130; into event, however, may a recyb be timely filed in the provision of the second part of the results of 30 CFR 1-130; into event, however, may a recyb be timely filed in the second part of the results of 30 CFR 1-130; into event, however, may a recyb be timely filed in the second part of the results of 30 CFR 1-130(b).  Failure for eyely while the act or extended period for eyely with by abative, cause the application become ANNOCONITI, 63 U.S.C. § 133). Any reply received by the Cifics later than these mentions direct the malaric cause of this communication, even if tracy filed, may reduce any second part of the communication is \$10 CFR 1-130(b).  Status  1) ☑ Responsive to communication(s) filed on 14 September 2009.  2a) ☐ This action is FINAL.  2b) ☑ This action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☑ Claim(s) 29-54 is/are rejected.  5) ☐ Claim(s) is/are allowed.  6) ☑ Claim(s) is/are allowed.  6) ☑ Claim(s) is/are rejected.  7) ☐ Claim(s) is/are rejected.  9) ☐ The specification is objected to by the Examiner.  Application Papers  9) ☐ The provided pro			10/50	01,277	WARD, CHRISTO	WARD, CHRISTOPHER BRETT			
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Attachment(s)									
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1) Notice of References Cited (PTO-892)  4) Interview Summary (PTO-413)	_			4) Interview Summar	y (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date	2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date								
3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date  5) Notice of Informal Patent Application 6) Other:									

#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 112

Claims 29-54 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The portion of the specification pointed out to provide support for the new limitation is not adequate for the limitations presently recited in the claims and presently added to the specification.

## Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 29-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaasian in view of Leonard of record for reasons of record.

The Kaasian patent further discloses the use of different sources of mananomanganic oxide, including sintered manganese ore or natural manganese ore (col. 2, lines 44-46).

Consequently, while the preferred embodiment uses a sintered ore, the patent teaches the use of natural manganese ore as an equivalent to the sintered ore. Accordingly, even if the added limitations are considered, the Kaasian patent teaches the use of un-sintered or natural ore.

# Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arun S. Phasge whose telephone number is (571) 272-1345. The examiner can normally be reached on MONDAY-THURSDAY, 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Arun S. Phasge/

Primary Examiner, Art Unit 1795

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